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PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)
	00280752aa

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	10/750,218	January 2, 2004
on _____	First Named Inventor	
	Hanson	
Signature _____	Art Unit	Examiner
Typed or printed name _____	2153	Won

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
　　　Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number _____ **32,635** _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

Signature

Michael E. Whitham
Typed or printed name

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Telephone number

March 13, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of ___ 1 ___ forms are submitted.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

James Edwin Hanson et al.   Group Art Unit 2155

Serial No. 10/750,218   Examiner Michael Young Won

Filed January 2, 2004   Confirmation No. 6661

For   A METHOD AND APPARATUS TO PROVIDE A HUMAN-USABLE
      INTERFACE TO CONVERSATIONAL SUPPORT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

ATTACHMENT TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Pre-Appeal Brief Request for Review is being concurrently filed in the

USPTO with a Notice of Appeal. The Commissioner is authorized to charge Attorney's

Deposit Account 50-0510 (IBM Corporation) for any fees due for the notice of appeal

and/or to gain entry and consideration for this pre-appeal brief request for review.

The Claimed Invention

The patent application pertains to, for example, a person using a PDA to interact

in a conversational format with a service provider. Thus, there is a human usable

interface which allows interaction with a conversation enabled application. (See Figure 1

of the application). The user is presented with options on a display for selection

purposes, and to allow the user to assess the state of the conversation (i.e., he can see the

last message, and he is presented with options to that last message—see particularly,

Figures 4 and 5 of the application, and page 10, lines 5 et seq., which discuss the presentation manager). The user also has a mechanism for inputting data in response to the options presented and to fill in message content (see, e.g., Figure 5 where selections and approvals are made at 523 and 524).

Principal Errors and Omissions

Independent Claims 1 and 11 and dependent Claims 2-3, 5-6, 8-10, and 13-15 stand rejected under 35 U.S.C. § 102(a), (e) as anticipated by U.S. Patent Application Publication No. 2002/0188666 by Lemon et al. Dependent Claims 4, 7, 12, and 16 stand rejected under 35 U.S.C. § 103(a) as suggested by Lemon et al. in view of U.S. Patent Application Publication No. 2002/0059377 by Bandhole et al.

The Examiner has made a great many errors and omissions, including, but not limited to, failing to recognize that the claimed invention, unlike the references, enables human users to interact with conversation-enabled applications.

• In responding to Applicants' arguments, the Examiner stated incorrectly: "The applicant(s) assert that Lemon does not explicitly discuss the 'conversation-enabled applications.' The applicant(s) seem to be asserting that because Lemon does not identically recite the term that somehow this 'conversation-enabled application' is not taught." (Office Action, Dec. 13, 2008, at 8)

• The Examiner has incorrectly interpreted the argument. Applicants maintain that paragraphs 23 and 28 of Lemon et al. make it clear that the conversation controllers (defined at paragraph 26 of Lemon et al.) handle messages on behalf of "services" (by which is meant "E-Services"; *see* paragraph 21 of Lemon et al.) and do not discuss the "conversation-enabled applications" used in connection with "human-usable interfaces" as required by Claim 1 and as taught by the Specification, page 3, lines 18-25.

To highlight the errors, the table below presents portions of claim 1, the Examiner's

position, and portions of the passages in Lemon referenced by the Examiner in combination with argument. It will be noted that, among other things, Lemon wholly lacks the features underlined in the claims.

Claim 1	Examiner's Position	Argument and Reference to Lemon
A system for enabling human users to interact with conversation-enabled applications installed at a remote location, said conversation enabled applications implementing a conversation policy, the system comprising:	In the office action of December 13, 2007, the Examiner takes the incorrect position that Lemon teaches a system that enables human users to interact with conversation enabled applications.	Paragraph [0026] of Lemon states that "The conversation controller is a third party service that is capable of facilitating a conversation between two other services". Lemon notes that the conversation controller can act as a proxy to services. The Abstract indicates that the system allows interaction between services without having to implement explicit conversation control mechanisms. In short, Lemon does not do what is asserted by the Examiner.

conversation support means communicating with a human-usable interface installed on a user device to support the user's side of a conversation with the conversation enabled applications;	The Examiner incorrectly relies on paragraphs [0023], [0027] and [0049] of Lemon for this feature.	Wholly lacking is the support means being installed on a user device. Paragraph [0023] discusses enabling services to carry on conversations without code for conversation logic. Paragraphs [0027] and [0049] are similar, and specifically reference an interaction handler which validates whether a document type is valid.
presentation support means communicating with a human-usable interface installed on the user device to show the user a state of the conversation and options for selection by the user; and	The Examiner references paragraphs [0026], [0034] and [0052] to Lemon.	These passages do not discuss any form of presentation support which communicates with a human usable interface. Rather, as noted by the Examiner they deal with looking for valid input documents.

data input means installed on the user device by which the user selects an available option and fills in message content that conforms with the conversation policy in use by the conversation enabled applications.	The Examiner references paragraph [0051] and [0052 of Lemon.	These passages discuss the production of "an appropriately typed document" and returning messages to a client for the next legal document input.

Conclusion

In conclusion, the claimed invention is not simply drawn to conversation enabled applications per se. It is drawn to a system and method which enable human users to interact with conversation enabled applications. The claimed invention requires the device on the user's side to a conversation support means, a presentation support means, and a data input means that allow the user to interact with a conversation enabled application according to its conversation policy. Lemon is simply not directed to this in any capacity. Bandhole does not make up for these deficiencies. A more detailed explanation is presented in the response, without amendment, filed October 31, 2007. It is respectfully requested that Claims 1-16 be allowed and that the application be passed to issue.

Respectfully submitted,

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